

1 time I knew Mr. Honig, Mr. Honig has been involved  
2 with the NAACP and NAACP -- he has been the attorney,  
3 and NAACP opposed Amendment 11 at that time. So, my  
4 contact with NAACP at the time and with Mr. Honig and  
5 with the chairman of the NAACP Johnny McMillian was  
6 on a daily basis.

7 Q. My question is, was it Mr. Honig that told  
8 you on this particular program that you're referring  
9 to in your statement Mr. Gallegos was the only  
10 opponent of English Only? My question is, was it  
11 Mr. Honig that told you that fact?

12 A. I cannot tell you if it was Mr. Honig or I  
13 was the one that told him.

14 Q. But you have no recollection of having seen  
15 the program?

16 A. I don't have the recollection not seeing  
17 the program or seeing the program. I told you that I  
18 saw practically all the programs that had to do with  
19 English Only because we used to call the Amendment  
20 11.

21 Q. Look at Paragraph 5 of your statement. The  
22 first sentence and indeed the first two words "I  
23 understand", what's the basis for the understanding?  
24 What do you base it on? The statement is --

25 A. I understand that a few Hispanics are

1 listed.

2 Q. Who told you that? Did someone tell you  
3 that?

4 A. I have seen Channel 45.

5 Q. No, no. My question -- You're referring in  
6 that sentence to a few Hispanics, if any, being  
7 listed on certain precise documents and I'm asking  
8 you who told you that few, if any, Hispanics are  
9 listed on those precise documents?

10 A. The documents that I have seen, okay, which  
11 are these ones here practically do not have any  
12 Hispanic surname.

13 Q. Have you reviewed each and every one of  
14 those documents?

15 A. Practically I have reviewed all of them.

16 Q. On what do you base your understanding that  
17 you state in the first sentence?

18 A. My understanding is based on what I read  
19 and what I have seen on Channel 45. I think the only  
20 name that I remember in those things that I saw is  
21 the name of a gentleman by the name of Diaz.

22 Q. Did Mr. Honig tell you that few, if any,  
23 Hispanics are listed in those documents?

24 A. No, I didn't discuss it with Mr. Honig.

25 Q. In the calendar year 1991?

1 A. Excuse me?

2 Q. In the calendar year 1991?

3 A. Okay.

4 Q. How much time did you spend watching  
5 Channel 45?

6 A. I would say that - I'm guessing, but in  
7 trying to be as close as possible, I think in the  
8 last six - five, six years, I have seen Channel 45 an  
9 average of half an hour to one hour weekly.

10 Q. Any particular time of day, any particular  
11 day of the week?

12 A. Mostly at night, during the week days, on  
13 Saturdays and Sundays during the whole day. To be  
14 honest with you, I don't think I have seen it that  
15 much in the morning. Mostly has been in the  
16 afternoon on Saturday and Sundays.

17 Q. An hour to a half hour a week mostly on  
18 Saturday on Sunday is a fair description of your  
19 viewing of Channel 45 in 1991?

20 A. I think so.

21 Q. Do you recall the names of any particular  
22 programs?

23 A. The programs I have seen -- You ask me  
24 about '90 and '91?

25 Q. Yes.

1           A.    I couldn't tell you.  If you ask me as of  
2 today, I can tell you the faces and the persons that  
3 I have seen but I couldn't tell you the names of the  
4 programs.

5                   I don't want to be - sound critical, but I  
6 have not - I have not been able to stay too long with  
7 the programs.  They really have not attracted me.  I  
8 have found them to be one sided and not really  
9 responsive to this community.

10           Q.    You don't really know very much about the  
11 station's programming, do you?

12           A.    About 45?

13           Q.    Yes.

14           A.    Well, I think I do after so many years of  
15 watching it.

16           Q.    For an hour or half hour a week?

17           A.    Yes, I don't have that much time.

18           Q.    Focus now on a particular time period, the  
19 period that's at issue in this proceeding and we're  
20 going to call it calendar years 1987 through 1991.

21                   Bearing in mind that those are the years  
22 we're talking about, would you agree that the topic  
23 of crime was an important topic in Dade and Broward  
24 counties in those years?

25           A.    Yes.

1 Q. Would you agree that the topic of housing  
2 and homelessness was an important topic in those  
3 counties in those years?

4 A. Yes.

5 Q. And the topic of pollution or pollution in  
6 the environment also?

7 A. I think that pollution was not that  
8 critical as the other two that you have mentioned.

9 Q. But important nonetheless you would agree?

10 A. Naturally speaking it has been very  
11 important.

12 Q. Would you agree that the topics of  
13 education in schools were important?

14 A. Yes.

15 Q. Would you agree that the topic of AIDS was  
16 important?

17 A. Not as much in the Miami area as in other  
18 places in the nation.

19 Q. But --

20 A. Nonetheless important.

21 Q. Nonetheless important.

22 Would you agree that the topic of senior  
23 citizens and the elderly was an important topic in  
24 Miami and Fort Lauderdale in their counties in those  
25 years?

1           A.    The older I get the more and more important  
2 they get to me.

3           Q.    We're in total agreement with that.

4                   And you would agree that the topic of  
5 poverty and the prevalence of poverty was important?

6           A.    That is a very important topic in my  
7 opinion.

8           Q.    And the topics of discrimination and --  
9 well, the topic of discrimination?

10          A.    I have dedicated my life to discrimination.

11          Q.    And you certainly agree that that is  
12 important?

13          A.    Yes.

14          Q.    Would you look again at Trinity Exhibit 5,  
15 the letter to Colleagues and Friends apparently from  
16 Mr. Honig?

17          A.    Uh-huh.

18          Q.    Did you see that letter before it was  
19 prepared - before it was mailed out rather?

20          A.    I couldn't tell you one way or the other.

21          Q.    Sir?

22          A.    I couldn't tell you one way or the other.

23          Q.    Would you look again at your Declaration,  
24 the two pages that's attached to your subpoena?

25          A.    What paragraph?

1 Q. The whole Declaration now. Where was that  
2 typed?

3 A. I don't remember where it was typed, but I  
4 can tell you the contents were provided mostly, you  
5 know --

6 Q. Your --

7 A. The contents of the word - what I should  
8 say - I would say in my statement.

9 Q. I understand that. My concern now is to  
10 determine where it was physically prepared, on whose  
11 typewriter or whose computer or do you know?

12 A. No. I could not tell you and I cannot tell  
13 you because I really don't remember.

14 Q. We're talking about a document that was  
15 signed just a little over a month ago and I will ask  
16 you from whom did you receive the document before you  
17 signed it?

18 A. I don't know if I requested one of my  
19 secretaries to prepare it after I discussed my  
20 statement with Mr. Honig or if it was prepared by  
21 Mr. Honig in his office.

22 Unfortunately or fortunately, I see around  
23 thirty to forty persons every day and I am involved  
24 in around twenty different things beside my practice  
25 of law. I work seven days a week and there's no way

1 I could tell you. Sometimes I cannot tell you what I  
2 did the day before.

3 Q. And to be precise, you cannot tell us from  
4 whom you received this two page document, is that  
5 right?

6 A. No. What I am saying is that I cannot  
7 remember if it was typed in my office or I give the  
8 information to Mr. Honig and he prepare it, but the  
9 contents of these and my concerns about what I am  
10 doing were provided by me to Mr. Honig.

11 Q. In Paragraph 3, you refer to such Hispanic  
12 civil rights issues as employment and housing  
13 discrimination and voting rights.

14 In the period that we are concerned about,  
15 1987 through 1991, were those issues covered on  
16 Channel 23?

17 A. Yes, they did.

18 Q. Were they covered on Channel 23 in the  
19 Spanish language?

20 A. Yes, they did.

21 Q. Were they covered in those years on Channel  
22 51? I don't mean this as a trick question, I'm not  
23 sure when Channel 51 became Spanish language.

24 A. I think it has been Spanish language for  
25 around ten years.



1 Q. All right. Then my question is were those  
2 issues covered on Channel 51 in those years?

3 A. They were covered not as well as on Channel  
4 23. Channel 51 as you know, probably know, have  
5 become well-known and has increased tremendously  
6 their rating among Hispanic people in Dade County in  
7 the last one year.

8 Q. Were those issues covered in those years,  
9 if you'll permit me a multiple question, on channels  
10 6, 7, 4, and 10?

11 A. Yes, but not as much as on Channel 51 and  
12 23. I could say for your benefit that in the last  
13 eight years, I have appeared on Hispanic TV stations  
14 practically once or twice a week and in English  
15 channel stations probably once a week. Sometimes it  
16 has been every day.

17 People have gotten tired of me. Sometimes  
18 it has been two or three weeks, but if we went to put  
19 everything together, I would say in Hispanic TV twice  
20 a week. In American stations, NBC, ABC or CBS, I  
21 would say about once a week, Channel 7 also.

22 Q. You also carry on a law practice?

23 A. Yes.

24 Q. And you did carry on a law practice in the  
25 years 1987 through '91?

1 A. Yes.

2 Q. Did you mean it literally when you said you  
3 work seven days a week?

4 A. Yes.

5 Q. And that was true in 1987 through 1991  
6 also?

7 A. Yes. It means that even though I work on  
8 Sundays, on Sundays I try to take to take three or  
9 four hours for me. In the morning, I go jogging.

10 Q. You go what?

11 A. Go jogging on Saturdays and Sundays.  
12 That's the only thing that allows me to take the  
13 pressure, the steam out of me.

14 MR. MULLIN: I understand and I have no  
15 further questions.

16 MS. ROBINSON: If we can go off the record  
17 for a moment while I check.

18 I want to place in the record Mr. Soto's  
19 resume.

20 (Thereupon, the above-referred to document  
21 was marked as SALAD's Exhibit 4 for  
22 identification by the court reporter.)

23 MS. ROBINSON: Mr. Soto, could you please  
24 identify the document I've just placed before  
25 you?

1 THE WITNESS: Yes. This is my resume of  
2 professional and civic and of my vocation and  
3 experience as a teacher and as a professor and  
4 it also has my publications. Actually, the  
5 publications are not complete. They refer  
6 mostly to the textbooks I have published in the  
7 United States. It doesn't refer to my writings  
8 in magazines and newspapers.

9 MS. ROBINSON: I'd like to have that marked  
10 as SALAD Deposition Exhibit Number 4. I'll be  
11 glad to provide counsel with a copy of it.

12 MR. MULLIN: Anything further?

13 MS. ROBINSON: Nothing further.

14 (Whereupon, the deposition was concluded at  
15 or about 11:20 a.m.)  
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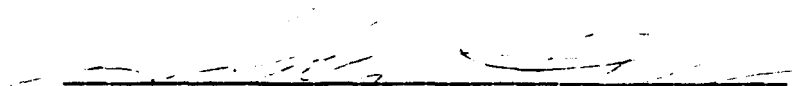
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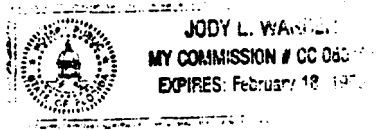
CERTIFICATE OF OATH

STATE OF FLORIDA )  
COUNTY OF BROWARD )

I, the undersigned authority, certify that  
OSVALDO SOTO personally appeared before me and  
was duly sworn.

WITNESS my hand and official seal this  
5th day of October, 1993.

  
\_\_\_\_\_  
JODY L. WARREN  
Notary Public - State of Florida  
My Commission Expires: 2/18/95



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AND FURTHER DEPONENT SAITH NOT

OSVALDO SOTO

SWORN TO AND SUBSCRIBED TO before me on this  
day of , 1993, in the City of  
Fort Lauderdale, Broward County, Florida.

Notary Public - State of Flo

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CERTIFICATE

STATE OF FLORIDA:

SS.

COUNTY OF BROWARD:

I, JODY L. WARREN, being a Shorthand Reporter  
and a Notary Public for the State of Florida at  
Large, do hereby certify that I was authorized to and  
did stenographically report the foregoing deposition;  
and that said transcript is a true record of the  
testimony given by the witness.

I further certify that I am not an attorney or  
counsel of any of the parties, nor a relative or  
employee of any attorney or counsel connected with  
the action, nor financially interested in the action.

Dated this 5th day of October, 1993.

  
JODY L. WARREN

STATE OF FLORIDA )  
COUNTY OF BROWARD )

The foregoing certificate was acknowledged  
before me this 5th day of October, 1993, by  
Jody L. Warren, who is personally known to me.

\_\_\_\_\_  
Notary Public - State of Florida

/ SNAPO ID

Salad to 10 pg 1

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In Re Applications of

MM Docket No. 93-75

TRINITY BROADCASTING OF FLORIDA,  
INC.

BRCT-911001LY

For Renewal of License for  
Television Station WHFT (TV)  
Miami, Florida

GLENDAL E BROADCASTING COMPANY  
-----

BPCT-911227KE

633 South Federal Highway  
Fort Lauderdale, Florida  
September 15, 1993  
Wednesday, 11:30 a.m.

DEPOSITION OF RODNEY THAXTON

Taken before Jody L. Warren, Shorthand  
Reporter, Notary Public for the State of Florida at  
Large, pursuant to Notice of Taking Deposition filed  
in the above cause.

**COPY**



Federal Communications Commission

Decket No. 43-75 Exhibit No. 5.10

Presented by Hearings

Identified DEC 3-1993

Disposition { Received

Revised DEC 3-1993

Reporter C. W. Welles

**DEC 3-1993**

APPEARANCES:

MULLIN, RHYNE, EMMONS & TOPEL  
By: EUGENE F. MULLIN, ESQUIRE  
on behalf of Trinity.

RONDA R. ROBINSON, ESQUIRE  
on behalf of SALAD.

I N D E X

<u>Witness</u>	<u>Direct</u>	<u>Cross</u>
RODNEY THAXTON	3	

EXHIBITS

Trinity Exhibit 28 and 29	3
SALAD Exhibit 9	48

1                   (Thereupon, Trinity Exhibit 28 and 29 were  
2           marked for identification by the court reporter.)

3   Thereupon:

4                   RODNEY THAXTON

5           was called as a witness and, having been first  
6   duly sworn, was examined and testified as follows:

7                   DIRECT EXAMINATION

8   BY MS. ROBINSON:

9           Q.    Good morning.   Could you state your name  
10   and address for the record?

11           A.    Rodney Thaxton, 1400 Northwest 10th Avenue,  
12   Apartment 1808, Miami, Florida, 33136.

13           Q.    Could you describe to us the document that  
14   I'm placing before you?

15           A.    This is a copy of my resume.

16                   MS. ROBINSON:   I would like to have Mr.  
17   Thaxton's resume marked as SALAD Deposition  
18   Exhibit Number 9.

19                   (Thereupon, the above-referred to document  
20   was marked as SALAD Exhibit 9 for  
21   identification by the court reporter.)

22                   CROSS EXAMINATION

23   BY MR. MULLIN:

24           Q.    Mr. Thaxton, we marked for identification  
25   as Trinity Exhibit 28 the notice of deposition

1 addressed to you and as Trinity Exhibit 29 the  
2 subpoena duces tecum attached to which is your  
3 Declaration.

4 We're at the point now where we're  
5 tolerating double questions and almost anything else  
6 to get through this.

7 A. All right.

8 Q. Tell me when and from whom you received  
9 exhibits 28 and 29.

10 A. Goodness, I don't remember when it was.  
11 Let me see, I think I brought copies of them with me.  
12 I'm not sure of the date I received them, but I  
13 believe I received them from David Honig.

14 Q. From David Honig?

15 A. Yes, sir.

16 Q. Would you look at the exhibit page on the  
17 subpoena - it's Exhibit A which identifies the  
18 documents that we asked you to produce.

19 A. Okay.

20 Q. Paragraphs one, two and three, do you have  
21 you have any documents within the scope of paragraphs  
22 one, two and three?

23 A. Yes.

24 Q. What do you have?

25 A. I have this document here which is some

1 Illustrative Programming, Channel 45, which the  
2 station claims to be responsive to the issues of  
3 Crime from 1987 to 1991.

4 MR. MULLIN: Miss Robinson, can we agree  
5 that that's the document that is Trinity Exhibit  
6 8 in these depositions?

7 MS. ROBINSON: Yes.

8 Q. (By Mr. Mullin) Mr. Thaxton, the only  
9 reason I want to use my copy or the copy marked by  
10 the reporter is we paginated it.

11 A. No problem.

12 Q. Anything else?

13 A. I believe that's it.

14 Q. Did you also receive from Mr. Honig or from  
15 anyone associated with him a document consisting of a  
16 letter addressed to Colleagues and Friends containing  
17 a questionnaire?

18 A. Yes, I did.

19 Q. We call that Trinity Exhibit 5. Let's  
20 focus on that for a moment. Tell me the  
21 circumstances under which you received the Colleagues  
22 and Friends memorandum which is Trinity Exhibit 5?

23 A. I believe I received it twice. That's why  
24 I'm thinking about it.

25 Q. All right.

1 A. One time at David Honig's office.

2 Q. In Miami or in Washington?

3 A. In Miami. We talked about it. He had  
4 another young fellow, Tyrone working with him.

5 Q. Tyrone Shanks?

6 A. Right, who gave me a copy of the items he  
7 wanted me to fill out and then I received a stack  
8 from David Honig with the questionnaire asking me to  
9 fill it out.

10 Q. Now, had you known Mr. Honig before?

11 A. Yes. I've known him for some time.

12 Q. You go back a few years?

13 A. Yes.

14 Q. Would you look at the questionnaire which  
15 is the last page of Trinity Exhibit 5, the eight  
16 questions?

17 A. Uh-huh. It's not part of this.

18 Q. Did you prepare any written response to  
19 those questions?

20 A. Yes, I did.

21 Q. Do you have those?

22 A. (Witness proffers.)

23 Q. Thank you. May I have a moment?

24 Are there any other documents that you have  
25 in your possession that are responsive to the

1 subpoena duces tecum?

2 A. No, I don't believe so.

3 Q. Would you look at your Declaration, sir,  
4 which for convenience is attached to the subpoena,  
5 that's a good place to find it, Trinity Exhibit 29,  
6 Page 3 of the Declaration, Paragraph 7?

7 A. Yes.

8 Q. About two-thirds of the way down the  
9 paragraph you state, "While Channel 45 has sought to  
10 encourage people to support legislation which would  
11 enhance penalties for crime," and then the sentence  
12 goes on, that's the part of the sentence I want to  
13 focus on, would you look at Trinity Exhibit 8, and  
14 direct your attention, if you would -- We need an  
15 paginated copy for you.

16 MS. ROBINSON: Here, use this.

17 Q. Pagination is in the lower right-hand  
18 corner. Direct your attention to Page 54, the  
19 program stated to have been broadcast on November 30,  
20 1989, also on December 4 and December 6, the first  
21 full paragraph on the page.

22 Let me suggest to you, and this is a  
23 question, that that is indeed, particularly in the  
24 last sentence, an instance of someone suggesting  
25 perhaps enhanced penalties for a crime, would you

1 agree?

2 A. Let me read it.

3 Yes, sir.

4 Q. Directing your attention to the last  
5 sentence "Detective Navarro expresses throughout the  
6 duration of the program, he feels (and speaks from  
7 many years of experience) that child abuse is an out  
8 right crime of the worst kind and that the offenders  
9 should be behind bars!"

10 Is that one of the programs summarized on  
11 Trinity Exhibit 8 that you had in mind as encouraging  
12 people to support legislation which would enhance  
13 penalties for crime?

14 A. I'm not really sure. I think it probably  
15 is. There were other instances of more direct  
16 encouragement.

17 Q. My question is, what other instance as in  
18 this exhibit as you reviewed it prior to writing this  
19 sentence did you have in mind as instances where  
20 according to this exhibit Channel 45 encouraged  
21 people to support legislation which would enhance  
22 penalties for crime?

23 A. I would have to look through the whole  
24 exhibit.

25 Q. I think we should take the time. My



1 question is, if I can reformulate it, is what support  
2 is there, if any, in Trinity Exhibit 8 for the  
3 statement by you that Channel 45 has sought to  
4 encourage people to support legislation which would  
5 enhance penalties for crime?

6 A. Okay.

7 Q. And would you give it to me by page number  
8 and date of program.

9 A. On Page 6 at the bottom.

10 Q. Page 6, the program on July 12, 1991, yes,  
11 sir.

12 A. The 700 Club, they talk about the crime  
13 bill which is pending at this time, talking about the  
14 five day waiting period for guns and also they  
15 encourage -- Let me see. I'm at the top of the next  
16 page.

17 Q. It goes over to Page 7?

18 A. Right, exactly. And they talk about  
19 becoming politically involved to help initiate new  
20 legislation to fight the war on crime.

21 Q. Go ahead.

22 A. On Page 15, the second full paragraph,  
23 attorney Arnold and Brenda Ray.

24 Q. Page 15, the program on July 13, 1990?

25 A. That's correct. It talks about encouraging